

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New MexicoUnited States of America
v.
Michael Anthony ESTRADA

Case No.

17-2443MJ

Defendant

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO
2017 SEP 18 AM 11:45
CLERK-LAS CRUCES

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 09/15/2017 in the county of Dona Ana in the _____ District of
New Mexico, the defendant violated Title 18 U. S. C. § 875(c)
, an offense described as follows:

Title 18 U.S.C. 875(c): Whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five year, or both.

This criminal complaint is based on these facts:

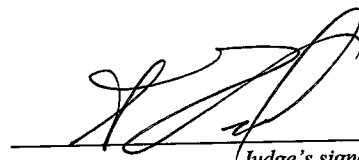
See attached affidavit.

☒ Continued on the attached sheet.
Complainant's signatureNicholas Dilello, ATF Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date:

9/18/17


Judge's signature

City and state:

Las Cruces, New Mexico

Stephen M. Vidmar, U.S. Magistrate Judge
Printed name and title

CRIMINAL COMPLAINT – CONTINUED

UNITED STATES OF AMERICA

VS

Michael Anthony ESTRADA

Affidavit of Nicholas Dilello

1. Your affiant, Nicholas Dilello, is a Special Agent (S/A) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been so employed since July 28, 2015. Prior to joining ATF your affiant was a Military Police Canine Handler in the United States Marine Corps. As part of training to become an ATF Special Agent, your affiant attended six months of specialized training sponsored by the Federal Law Enforcement Training Center in Glynco, Georgia. As a result of this training, your affiant has been certified as a Federal Investigator and has received specific training involving violations of federal law. Your affiant has also received ATF specific training in the determination of probable cause and in the use of warrants and complaints to enforce federal firearms laws. Your affiant is currently assigned to the Las Cruces, New Mexico Field Office.
2. Your affiant, being duly sworn, states the following to be true and correct to the best of his knowledge and belief based upon his personal observations and from information provided by knowledgeable law enforcement agents and officers who are involved in the investigation of Michael Anthony ESTRADA. The facts outlined in this narrative are not meant to be a complete narrative of all that has occurred in connection with this investigation, but are only a summary of facts necessary to set forth probable cause in support of the criminal complaint and does not purport to set forth all of the affiant's knowledge regarding this investigation.
3. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws and know that it is a violation of Title 18 United States Code, Section 875(c) Whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five year, or both.
4. On Friday September 15, 2017, 1219 hours, Las Cruces Police Department Officers (LCPD) received notification that shooting threats had been made to Conlee Elementary School in

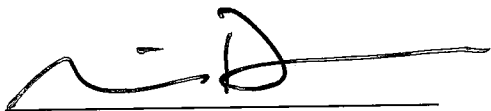
CRIMINAL COMPLAINT – CONTINUED

Las Cruces, NM. The threats originated from a Facebook account registered to “NSG HATEE.” The threat came in the form of an image that “NSG HATEE” posted to the Las Cruces Community Watch Facebook page, which stated “This is a threat treat me better or I’m gonna shoot up conlee elementary tired of no help.” Utilizing law enforcement databases and with the help of the public LCPD Officers learned that the individual posting the threats was Michael Anthony ESTRADA. A private individual made contact with ESTRADA via Facebook messenger and learned that ESTRADA was located in the area of the Burger King restaurant located at 1009 El Paseo Road, Las Cruces, NM 88001. The location was communicated to LCPD Officers by the private individual. Officers responded to the location and arrested ESTRADA, and transported him to LCPD for questioning.

5. LCPD Officer Berling transported ESTRADA to Las Cruces Police Station. During transport, ESTRADA made several spontaneous utterances without any probing or provocation from officers. ESTRADA stated “I was gonna do it,” and “We could have lost all those kids today if I were someone else.” When Officer Berling arrived at the Las Cruces Police Station, he along with Sergeant Robert McCord escorted ESTRADA to an interview room. Officer Berling provided ESTRADA a copy of a Miranda warning card and asked him to read along while Officer Berling advised him of his Miranda rights. ESTRADA signed the card stating that he understood his rights and still wished to speak with Officers.
6. During the interview with Officer Berling and Sergeant McCord, ESTRADA stated that he was going crazy trying to do what god wanted him to do. ESTRADA stated that he had been trying to live a better life and get on the right track, but he was not being treated well enough by everyone else in the city of Las Cruces. ESTRADA stated that on the day of September 15, 2017, he had been walking by a park and saw people playing with their children. ESTRADA stated that this made him upset because the world had taken away everything that he loved and wanted, so he wanted to make other people feel the way that he feels, and that he would get the attention and recognition that he felt he deserved. ESTRADA stated that he felt tired of being kicked around by everyone. Officer Berling asked ESTRADA what he did about those feelings, to which ESTRADA admitted to creating posts on Facebook about his feelings.

CRIMINAL COMPLAINT – CONTINUED

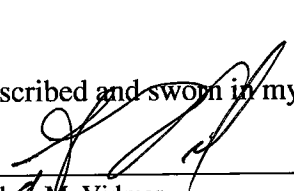
7. When asked if anyone else had access to his phone or his Facebook account ESTRADA stated “No.” ESTRADA went on to state that he took full responsibility for creating those posts. ESTRADA stated, “I posted on Facebook because I knew it would stop me.” When asked if he had access to a firearm ESTRADA stated “No.” When asked if he did have access to a firearm, would he have carried out the threats? ESTRADA nodded his head Yes, and stated “If God didn’t have the wheel, then Yes. If God wasn’t there I would have shot. I would light them up.”
8. During the interview, ESTRADA stated that he only had one cellular telephone on him that day and described it as a black in color phone with a cracked screen. When asked what his Facebook username was ESTRADA identified his Facebook identity as “NSG HATEE.” ESTRADA was asked if he thought that creating those posts on Facebook would cause fear or anxiety in the people viewing it, ESTRADA stated “probably.”
9. Because of the threat communicated by ESTRADA local schools in the Las Cruces, NM area sheltered students in place and shut down operations until the suspect was apprehended.
10. Based upon the above information, your affiant believes that on September 15, 2017, Michael Anthony ESTRADA did transmit in interstate or foreign commerce communication containing a threat to injure the person of another in violation of Title 18 United States Code, Section 875(c). This violation occurred within the city of Las Cruces, in the County of Dona Ana, in the District of New Mexico.
11. This complaint was approved by Assistant United States Attorney Maria Armijo.



Nicholas Dilello, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

CRIMINAL COMPLAINT – CONTINUED

Subscribed and sworn in my presence, this 18th day of September 2017.



Stephen M. Vidmar
United States Magistrate Judge

WMS